

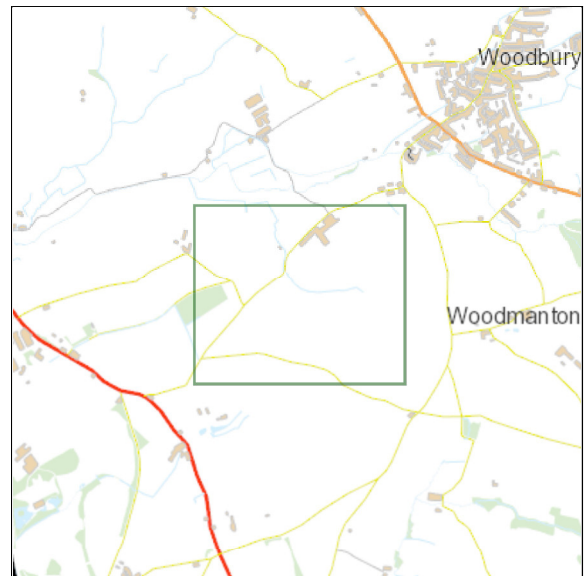
Ward Woodbury And Lympstone

Reference 19/0591/MFUL

Applicant Plutus Energy Ltd (Mr Paul Lazarevic)

Location Storage Land Adjacent Electricity Sub Station
Woodbury EX5 1LD

Proposal Installation of 20 self contained natural gas engine driven electricity generators for the provision of flexible electricity generation, 2 switch rooms, 1 gas governor, 1 transformer, 4 metre high acoustic fence and landscaping, including screening bund



RECOMMENDATION: Approval with conditions



		Committee Date: 3rd September 2019
Woodbury And Lymphstone (Woodbury)	19/0591/MFUL	Target Date: 09.07.2019
Applicant:	Plutus Energy Ltd (Mr Paul Lazarevic)	
Location:	Storage Land Adjacent Electricity Sub Station Woodbury	
Proposal:	Installation of 20 self contained natural gas engine driven electricity generators for the provision of flexible electricity generation, 2 switch rooms, 1 gas governor, 1 transformer, 4 metre high acoustic fence and landscaping, including screening bund	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before Members of the Development Management Committee because the application is considered to be a departure from the East Devon Local Plan and because the officer recommendation is contrary to the view of the Parish Council.

This application relates to a site to adjacent to the existing sub-station located approximately 1 kilometre south-west of Woodbury. The site is located in a valley, and extends up the valley to the south-east of the sub-station. There is an existing vehicular access off the road which runs along the north-eastern side of the site. At the current time, part of the site is used for storage of caravans, and other parts of it are within currently agricultural land. There is a hedge running the whole way along the southern and south-western side of the site. On the lower part of the site, there is also a hedge on the northern side of the boundary.

Planning permission is sought for the installation of 20 containerised gas-fired generators for the production of standby electricity, with ancillary structures. It is stated in the Design and Access Statement that the output for the generators would be 40MW. The Design and Access Statement also states that the equipment would not be operated outside the hours of 0700 and 2230. As the purpose of the development is to provide additional power at peak times, rather than to be generating power the whole time, it is also stated that the most likely period of operation is 1700 to 1900 hours during October to February. The site would have an intended operational life of 25 years and has partly been chosen due to the availability of a connect to the national grid.

The proposed development would be powered by natural gas and therefore it is important to recognise that this technology is a facilitator of renewable energy rather than a renewable technology or low carbon energy project itself and therefore there is little direct policy support within Strategy 39 for this proposal. Officers therefore consider this proposal to be a departure from the East Devon Local Plan.

Whilst Strategy 39 of the Local Plan promotes renewable and low carbon energy, it does not in itself provide an in principle reason to refuse proposals for fossil fuel energy development. Nor does the NPPF which at paragraphs 149-154 outlines policy support for the delivery of renewable and low carbon energy and associated infrastructure. It is notable however that the NPPF does not seek to restrict development of the alternatives.

The need for new energy infrastructure to support the UK's shift towards low carbon energy is set out in the National Policy Statement for Energy Infrastructure. Under the direction of the Energy Act 2013, this proposal is considered to contribute to the government's key objective to secure energy on the way to a sustainable low carbon future. Furthermore the National Policy Statement for Fossil Fuel based energy generation recognises that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating is low and to help with the transition to low carbon electricity generation.

Officers consider that weight should be given to the national benefits to be derived from this particular proposal, the supportive approach towards fossil fuel energy development within National Policy Statement EN-2 and its contribution towards maintaining a stable electricity supply.

The application has been accompanied by relevant reports relating to key considerations, such as noise and air pollution, flooding, visual impact, flooding, ecology and highways, and the relevant persons have been consulted relating to these considerations. In all instances, the reports and relevant consultee replies confirm that the development could be undertaken without giving rise to concerns, despite the numerous objections received to the application. Although, in most instances this is subject to mitigation which is detailed in the reports, such as the provision of acoustic screening and landscaping to mitigate against noise and visual impact; these can be secured by conditions.

The comments of those objecting to the proposal have been considered. However, given that no concerns have been raised from relevant consultees, and in the associated reports, it is considered that it would not be reasonable for the Council to refuse the proposal. Consequently, subject to the conditions recommended during the consultation process, it is recommended that this application is approved.

LOCAL CONSULTATIONS

Parish/Town Council – 30th April 2019.

NOT SUPPORTED. Would be regarded more favourably if advantage is taken of the topography to site it lower in the valley. A fully independent report on noise and pollution is provided for EDDC. Timing restrictions are clearly and legally defined; WPC would have objections to generators operating beyond 10.30 pm.

Further comments 24th July 2019:

NOT SUPPORTED. Amendments do not address previous concerns. Building in the open countryside. Contradicts EDDC zero carbon policy.

Woodbury And Lympstone - Cllr Geoff Jung – 21st May 2019.

I have reviewed the Documents for 19/0591/MFUL for the Installation of 20 self-contained natural gas engine driven electricity generators for the provision of flexible electricity generation, 2 switch rooms, 1 gas governor, 1 transformer, 4-metre-high acoustic fence and landscaping, including screening bund at the "Storage Land" adjacent to Electricity Sub Station Woodbury EX5 1LD.

This application does not comply with the East Devon Local Plan and the NPPF:

- Strategy 7: Development in the countryside, would only allow development in the countryside where it complies with a neighbourhood plan policy. There is no neighbourhood plan allowing for such a development and it will certainly harm the distinctive landscape, amenity and environmental qualities in the area within which it is proposed.

The NPPF expects projects to be within the East Devon development plan unless it is supported by a community-led initiatives for renewable and low carbon energy.

This proposal is not Community led, and it is not renewable and not low energy.

I consider that the Acoustic Assessment, the Air Assessment and Visual Assessments all fail to provide a correct assessment on the impacts this plant will have on the Local Area

The acoustic assessment report, states that two properties were chosen for the assessment, within the 1km radius, for background noise. These are both on a busy road, however other properties at Woodmanton located on higher ground in a much more rural and quite setting overlooking the site were not considered. As the properties at Woodmanton are located on higher land above the acoustic fencing at 4m high, which will have little or no effect on reducing the sound from the generators themselves which are proposed to be 4.5m high with the exhaust silencers on top.

Again, the air quality assessment report, selected Woodmanton Cottage for consideration. Rather than properties 200m closer to the proposed development.

There are also omissions from the visual impact report with only views from the north of the site, and not from the east where it will be most prominent.

This Application is basically for 12 turbines or "Jet Engines" in metal boxes with a silencer fitted burning fossil fuel.

I therefore cannot support this proposal, but I reserve my final view on this application until I am fully in possession of all the relevant arguments for and against.

TECHNICAL CONSULTATIONS

County Highway Authority – 30th July 2019

The site is accessed off the B3281.

A pre-application response was submitted to this application on the 17th October 2018, where it was founded that the visibility is acceptable to our required standard for this class, speed and geometry of road, in both the easterly and westerly direction.

The turning head proposed for the site allows vehicles to enter and exit from the B3281 in a forward gear motion, giving the benefit of the best visibility available.

I do recommend that a comprehensive Construction and Environment Management Plan is produced, which can sufficiently highlight a satisfactory delivery route for the associated equipment.

However once the site is in operational use, I do not believe that the maintenance attendance of one vehicle per week will produce an unacceptable impact upon the local highway network.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and

- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Environmental Health – 16th April 2019

I have considered this application and the Acoustic Assessment report submitted by ROD Eng Consulting LLP, and I am satisfied with the inclusion of the silencers and acoustic fence that there should be low impact on the nearest residential properties. I recommend that the installation is provided with mitigation as per this report and, in order to ensure that the noise mitigation is effective, this condition should be applied to any approval:

Any plant, equipment or ducting system to be used in pursuance of this permission shall be so installed, retained and operated that the rating level at the boundary of any nearby residence shall not exceed the prevailing background noise level measured at the time of the assessment. All assessments to be in accordance with BS4142:2014 Method for Rating and Assessing Industrial and Commercial Sound.

Reason: to protect the amenity of residents from unacceptable noise.

Further comments – 9th July 2019

I have considered this application and the Acoustic Assessment report submitted by ROD Eng Consulting LLP, and I am satisfied with the inclusion of the silencers and acoustic fence that there should be low impact on the nearest residential properties. I recommend that the installation is provided with mitigation as per this report and, in order to ensure that the noise mitigation is effective, this condition should be applied to any approval:

Any plant, equipment or ducting system to be used in pursuance of this permission shall be so installed, retained and operated that the rating level at the boundary of any nearby residence shall not exceed the prevailing background noise level measured at the time of the assessment. All assessments to be in accordance with BS4142:2014 Method for Rating and Assessing Industrial and Commercial Sound.

Reason: to protect the amenity of residents from unacceptable noise.

EDDC Landscape Architect - Chris Hariades – 20th May 2019.

1 Introduction

This report forms the EDDC's landscape response to the Full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 Comments on Landscape and Visual Impact Assessment (LVIA)

It is noted that photographic images in the Landscape and Visual Appraisal Figure Document are taken in summer when trees are in leaf. It is also noted that images are wide angle and small format and presented at low resolution which is not in accordance with recommended guidance (1). These factors are likely to underplay the visual impact of the proposed development somewhat.

In the assessment of construction phase impacts further consideration is needed with regard to the potential impact on the site entrance of large construction plant turning into or out of the site and evidence should be provided to demonstrate that anticipated construction traffic can be accommodated without damage to existing trees and hedgerow or, if this is not the case, what mitigation will be provided.

3 Comments on submitted drawings and supporting information

3.1 Topographic survey

No existing topographic survey is included in the application and this should be provided. The extent of survey should include all trees and hedgerow within and adjacent to the application site as well as existing levels, ditches, fences and infrastructure.

3.2 Tree survey, arboricultural impact assessment and tree protection

No tree survey has been provided with the application. Although there are no large trees on or adjacent to the site, there are some smaller trees on the adjacent boundaries which, together with existing boundary hedgerow, could be impacted by the proposed development. A BS5837 tree survey should be provided together with a tree constraints plan and tree protection plan detailing location and specification of protective fencing outside of identified root protection areas.

3.3 Landscape strategy plan

(1) Photography and Photomontage in Landscape and Visual Impact Assessment: Public Consultation Draft 2018-06-01

Existing boundary trees are not shown on the plan and these should be included.

The plan indicates the existing western boundary hedge as being outside of the red line application area. The applicant should confirm that the hedge is in their ownership or that they have agreement with the landowner to increase its height to 4.5 metres as proposed.

3.4 Notes and details (landscape), Drawing no. 541/02

A stock proof fence should be provided to the field side of the proposed hedgebank and native shrub mix to the eastern and southern site boundaries. A specification should be provided for this and the extent of such fencing indicated on the Landscape Strategy Plan.

Stock proof tree frames should also be provided around proposed tree planting in the field to the west of the site boundary. A specification should be provided for these and locations indicated on the Landscape Strategy Plan.

A management plan should be included for hedgerow maintenance to allow for gradual letting up and laying of boundary hedgerow on a phased cycle.

The notes should include a method statement for planting and maintenance of proposed trees within existing hedgerow.

There do not appear to be any amenity grass areas proposed on the Landscape Strategy Plan but there is reference to amenity grass maintenance in the notes and details drawing (1st para under Establishment and maintenance guidelines) which should be omitted.

Similarly the paragraph headed Grass/ turf should also be omitted.

For clarity specification for species groups should be amended to read 'in single species groups of ... '

4 Conclusion and Recommendations

Notwithstanding points noted at section 2 above regarding the visual appraisal photographs the conclusions of the LVIA are broadly acceptable and the scheme is considered to have a low landscape and visual impact.

Proposed landscape treatment and mitigation is generally acceptable subject to amendments noted at section 3 above. In respect of a tree survey, arboricultural impact assessment and tree protection this information could be provided by condition should the application be approved.

Subject to receipt of satisfactory information in relation to the above points the proposed scheme should be considered acceptable in terms of landscape design and impact.

Should the application be approved the following conditions should be imposed:

a) A tree/ hedgerow survey, impact assessment and protection plan should be provided conforming with BS5837: 2012. The arboricultural impact assessment should include consideration of the impact of large plant entering and exiting the site and proposed mitigation and protection should be planned accordingly. Agreed protective measures shall be implemented prior to commencement of construction works in accordance with the details provided and be maintained in sound condition for the duration of the works.

b) The works shall be carried out in accordance with an approved soil resources plan which should include:

- a plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).

- schedules of volumes for each material.
- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or
- subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- identification of person responsible for supervising soil management.

c) Details of proposed surfacing, fences, acoustic barrier, lighting, drainage and earthworks should be provided. Surfacing should comprise well compacted permeable bound gravel conforming to Specification for Highway Works cl. 803, Type 1.

d) Proposed planting shall be carried out prior to site commissioning or in the first planting season immediately following. Planting shall be maintained in accordance with the approved management and maintenance details. Any grass or planting that dies or fails to make satisfactory growth within the first five years following completion shall be replaced with plants of the same species, size and form to the satisfaction of the LPA.

Further comments – 4th June 2019.
Additional Landscape Response:

This response should be read in conjunction with the EDDC Landscape Response issued on 20 May 2019 and provides additional advice following further consideration of the nature of the proposed development and the supporting information provided.

Appropriateness of development

While the landscape and visual impacts of the proposed development are likely to be low it is questionable whether such a large industrial installation should be located within open countryside. Examples of other similar completed UK installations tend to be sited within existing industrial areas and in determining the application the LPA should satisfy itself that there is presently a genuine need for the provision of such a facility within the District and that there are no suitable industrial sites available that could accommodate it.

Plans and drawings

There is relatively little illustrative material supplied with the application to demonstrate the scale and appearance of the scheme. The developed isometric supplied shows the relative heights and massing of the generators and control housings without any site context or other proposed features. Similarly the sections provided on drawing no. WE04429 003 Rev C do not show the proposed generators and the long sections do not run the length of the site.

Cranked long sections looking east and west should be provided from the highway through the centre of the site to the southern boundary showing the existing substation, and the proposed development including level changes, generators, switch-rooms and associated infrastructure, the acoustic fence and proposed and existing hedgebanks. Similarly at least three cross sections should be provided through the switch-rooms and generators.

Additionally it would be helpful in understanding the full visual impact if photomontages could be provided taken from a suitable location near the site entrance and from a further suitable vantage point to the east showing the site and surrounding vegetation immediately on completion of the proposed works and after 15 years. Exact locations of view points to be agreed with the applicant.

Colour

No information appears to be given on the external colour finishes of the proposed generators and switch-room housings. A dark grey or green would be most appropriate in this situation and details of exact colours proposed should be submitted for approval.

Additional mitigation

Having further assessed the site entrance it appears there is some scope to introduce additional native hedgerow planting to the east side of the existing sub-station compound. While overhead power cables and support posts would restrict the planting of trees it should be possible to establish and maintain a 2-3m high hedgerow which would help screen the site and enhance the existing site entrance seen from the adjacent highway and further proposals for this should be provided.

04/06/2019

Further comments – 30th July 2019

Landscape response to further amended information received 3 July 2019

A Landscape Response to the above application was submitted on 20 May 2019 and an additional response made on 4 June 2019. In response the applicant has made a number of amendments and submitted additional information including photomontages, amended landscape proposals and further site sections which help to clarify the extent of the proposals.

Photomontages

The LPA has been consulted on the choice of representative view points for preparation of two photomontages and has agreed the locations for these. The locations were selected with reference to the Zone of Theoretical Visibility map in the submitted Landscape and Visual Impact Assessment and subsequent site assessment based on publically accessible vantage points having a direct view to the site. In determining appropriate viewpoint locations it was found that opportunities for views into the site were limited to the Woodbury-Lympstone road in the vicinity of the site entrance, two mid-distance views from field gateways on minor roads to the northwest and longer distance views from a short stretch of the ridge road between Woodbury and Clyst St George.

The photomontage images provided indicate that the scheme is likely to have a limited visual impact even in its first year which will reduce as proposed tree and hedgerow planting matures.

Landscape Strategy Plan and accompanying notes and details (drawing no. 541/01 Rev C)

The submitted details are generally acceptable in terms of landscape design and address previous issues raised such as additional site entrance planting and temporary protection of new planting.

There is a concern regarding the proximity of the acoustic barrier to the proposed hedgebank particularly at its southern end and the layout should be adjusted to provide

a one metre strip between the two to allow for maintenance of the inside of the hedgebank.

In relation to hedgerow maintenance the information provided on the landscape strategy and accompanying notes and details is unclear and does not reflect best practice.

Landscape Conditions

Should the application be approved a condition should be imposed requiring the production of a detailed 25 year hedgerow and copse management plan for new and proposed hedgerow and copse planting. The plan should clearly identify each section of hedge and provide an appropriate phased management regime. This should be in accordance with Devon Hedge Group <https://devonhedges.org/management-advice/> and Hedgeline Hedge Management_Cycle.pdf guidelines, with cutting of established hedges on a three year rotational basis designed to maintain effective screening of the proposed development without becoming straggly and to maximise biodiversity benefit whilst retaining local landscape character.

As previously noted other conditions should be imposed required are:

Confirmation of the external colour finishes of the proposed generators and switch-room housings. A dark grey or green would be most appropriate in this situation and details of exact colours proposed should be submitted for approval.

A tree/ hedgerow survey, impact assessment and protection plan should be provided conforming with BS5837: 2012. The arboricultural impact assessment should include consideration of the impact of large plant entering and exiting the site and proposed mitigation and protection should be planned accordingly. Agreed protective measures shall be implemented prior to commencement of construction works in accordance with the details provided and be maintained in sound condition for the duration of the works.

The works shall be carried out in accordance with an approved soil resources plan which should include:

- plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
- methods for stripping, stockpiling, re-spreading and ameliorating the soils.

- location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).

- schedules of volumes for each material.

- expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.

- identification of person responsible for supervising soil management.

Details of proposed surfacing, fences, acoustic barrier, lighting, drainage and earthworks should be provided. Surfacing should comprise well compacted permeable bound gravel conforming to Specification for Highway Works cl. 803, Type 1.

Proposed planting shall be carried out prior to site commissioning or in the first planting season immediately following. Planting shall be maintained in accordance

with the approved management and maintenance details. Any grass or planting that dies or fails to make satisfactory growth within the first five years following completion shall be replaced with plants of the same species, size and form to the satisfaction of the LPA.

DCC Flood Risk Management Team – 20th May 2019.

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.

Observations:

The applicant is proposing to infiltrate any increase in runoff, which is thought to be negligible, via aggregate surface treatment. This is the preferred option in the surface water management hierarchy.

Any exceedance flows will be routed via an existing bund towards the minor watercourse adjacent to the site. In light of the scale, setting and nature of the proposal we have no objection to this application.

Other Representations

69 Letters of objection have been received. The following key points are raised in these:

- Noise impact in the area and to surrounding residents
- That the proposal is not renewable or low-carbon energy so should not be supported
- Inappropriate site/visual impact.
- Flooding/drainage.
- Air pollution.
- Wildlife impact.
- Fossil fuel burning.
- No consultation with Woodbury residents.

PLANNING HISTORY

Reference	Description	Decision	Date
17/2207/FUL	Energy Storage System, comprising battery storage container and fencing	Approval with conditions	01.12.2017

The proposal was for the siting of a container which would contain a single battery storage unit and fence for a 30 year period. It would store up to 1MW of electricity to be released into the grid during peak periods.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Devon Waste Plan 2014-2031

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

This application relates to a site adjacent to the existing sub-station located approximately 1 kilometre south-west of Woodbury.

The site is located in a valley, and extends up the valley to the south-east of the sub-station. There is an existing vehicular access off the road which runs along the north-eastern side of the site. At the current time, part of the site is used for storage of caravans, and other parts of it are within currently agricultural land. There is a hedge running the whole way along the southern and south-western side of the site. On the lower part of the site, there is also a hedge on the northern side of the boundary.

Proposed Development.

Planning permission is sought for the installation of 20 containerised gas-fired generators for the production of standby electricity, with ancillary structures. It is stated in the Design and Access Statement that the output for the generators would be

40MW. Each generator would be housed within an acoustically insulated weather proof steel container measuring 12.2 m in length, 3.5 m in depth and 4.5 metres in height. The proposal also includes a transformer compound, switch rooms, gas governors and landscaping including acoustic fencing, planting and a bund.

The exiting access would be utilised, as would some of the existing access track. The Design and Access Statement states that the equipment would not be operated outside the hours of 0700 and 2230.

The purpose of the development is to provide additional power at peak times, rather than to be generating power the whole time. The Design and Access Statement states that the most likely period of operation is 1700 to 1900 hours during October to February. The Design and Access statement confirms that the intended operational life of the proposal is 25 years.

To provide further background to this proposal, the agent has explained that the installation of 20 containerised gas-fired generators for the production of standby electricity is part of a national initiative to assist National Grid when it requires access to extra power in the form of either generation or demand reduction during certain periods of the day to manage situations where actual demand is greater than forecast demand and/ or unforeseen generation unavailability.

It is understood that gas-fired standby generation is a contracted balancing service awarded by National Grid annually whereby the Service Provider delivers a contracted level of power when instructed by National Grid. The proposal would contribute to a national programme to fulfil demand for energy during peak electricity periods. It is understood that the proposal, unlike national energy generation, feeds electricity into the local electricity network at the point of requirement.

The application states that the proposal will help to maintain power supplies at peak times when capacity is marginal, whilst off-setting the decline in traditional power sources and supporting the development of a low carbon economy addressing short-term fluctuations in supply whilst the UK transitions from fossil fuels to low-carbon energy generation.

The application states that the site selection has been subject to a through process that includes the availability of grid capacity and local gas connections; availability of previously developed sites; and sites with limited landscape and visual impact.

ANALYSIS

Issues and Assessment

The main issues to consider in determining this application is in terms of the principle of development and the benefits to be derived from increased energy security and new energy infrastructure to support the UK's shift towards low carbon energy having regard to national and local policy which need to be carefully weighed against the impact of the development on the countryside and visual impact on the rural landscape character and appearance of the area, the impact of the proposal on the residential

amenities of the occupiers of surrounding properties, the impact on the setting of nearby heritage assets, ecology and highway safety.

Principle

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is located in the open countryside where policies of restraint apply. Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

Policy support is offered for renewable and low carbon energy projects under Strategy 39 (Renewable and Low Carbon Energy Projects) of the Local Plan. This policy states that:

Renewable or low-carbon energy projects in either domestic or commercial development will in principle be supported and encouraged subject to them following current best practice guidance and the adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape and visual impacts, being satisfactorily addressed. Applicants will need to demonstrate that they have;

- 1. taken appropriate steps in considering the options in relation to location, scale and design, for firstly avoiding harm;*
- 2. and then reducing and mitigating any unavoidable harm, to ensure an acceptable balance between harm and benefit.*

Where schemes are in open countryside there will be a requirement to remove all equipment from the site and restore land to its former, or better, condition if the project ceases in the future. Wind turbines will only be permitted where they are in accordance with a Neighbourhood Plan or Development Plan Document.

It is important to establish whether this policy is applicable to the development in question, given that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Local Plan helpfully defines what it means by 'Renewable and low-carbon energy' in its glossary where it states:

Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment - from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels). Renewable Energy can also be gained from waste technologies (including energy from waste incineration, anaerobic digestion, gasification and pyrolysis).

The question therefore is whether the development is a low-carbon technology, or in other words is it a technology that can help reduce emissions? It is clearly not a renewable energy facility.

The proposed development would be powered by natural gas and therefore it is important to recognise that this technology is a facilitator of renewable energy rather than a renewable technology or low carbon energy project itself and therefore there is little direct policy support within Strategy 39 for this proposal. Officers therefore consider this proposal to be a departure from the East Devon Local Plan and have advertised it as such.

Whilst this is the case, it is important to consider whether there are any other material considerations, including the benefits from the scheme, national planning policy and a site specific assessment of the proposal, to assess whether any adverse impacts of the scheme significantly and demonstrably outweigh the benefits when assessed against policies within the Framework.

National Planning Policy Framework:

The NPPF is clear that it supports the transition towards a low-carbon economy. Paragraph 8 identifies this as one of the environmental aspects of sustainable development. While the proposal is not a renewable energy source itself, as identified above it clearly encourages and supports the use of renewable energy generation by supporting the transition from fossil fuels. It achieves this by being a back-up to energy supply at times when the renewable energy struggles to meet demand.

Paragraphs 149-154 of the NPPF outlines the importance of planning to provide a key role in supporting the delivery of renewable and low carbon energy and 'supporting infrastructure'.

National Policy Statements:

Wider national policy relating to energy generation is set out most relevantly in the National Policy Statement for Energy (EN-1) which sets out the Government's policy for the delivery of major energy infrastructure, with paragraph 3.3.11 specifically outlining the need for more electricity capacity to support an increased supply from renewables. The report confirms that *'some renewable sources (such as wind, solar, and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low. With the report concluding that 'it is therefore likely that increasing reliance on renewables will mean that we need more total electricity*

capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions’.

Paragraph 3.6.2 explains how *‘fossil fuel generating stations contribute to security of energy supply by using fuel from a variety of suppliers and operating flexibly. Gas will continue to play an important role in the electricity sector - providing vital flexibility to support an increasing amount of low-carbon generation and to maintain security of supply’.*

National Policy Statement for Fossil Fuel based energy generation (EN-2) must be read alongside EN-1 and provides specific policies to the different energy infrastructure proposals such as gas and oil fuelled electricity generation. The policy statements sets out how fossil fuel power stations play a vital role in providing reliable electricity supplies: *they can be operated flexibly in response to changes in supply and demand, and provide diversity in our energy mix.* The report continues to state that *they will continue to play an important role in our energy mix as the UK makes the transition to a low carbon economy, and Government policy is that they must be constructed, and operate, in line with increasingly demanding climate change goals.*

EN-1 also explains that a number of fossil fuel generating stations will have to close by the end of 2015 and although this capacity may be replaced by new nuclear and renewable generating capacity in due course, *‘it is clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation’.*

Paragraph 3.3.4 acknowledges that *there are benefits of having a diverse mix of all types of power generation. It means we are not dependent on any one type of generation or one source of fuel or power and so helps to ensure security of supply. In addition the different types of electricity generation have different characteristics which can complement each other: fossil fuel generation can be brought on line quickly when there is high demand and shut down when demand is low, thus complementing generation from nuclear and the intermittent generation from renewables.*

Relevant Case Law:

Whilst Strategy 39 of the Local Plan promotes renewable and low carbon energy, it does not in itself provide an in principle reason to refuse proposals for fossil fuel energy development. Nor does the NPPF.

This position has been tested in a number of appeal decisions in which the Inspector has considered the amount of weight that should be attributed to the renewable energy benefits of the scheme.

In an appeal decision for 7 gas fired engine-driven electricity generators in Hilcote (ref APP/R1010/W/17/3172633) the Inspector concluded:

‘The appeal proposal would rely on a non-renewable energy source to provide energy to the National Grid. However the appellant indicates that flexible peaking power generation capacity specifically forms part of the renewable energy infrastructure

being developed to meet the UK's obligations under the EU Renewable Energy Directive because renewable sources are supplies that are dependent on the times of day and weather conditions. Moreover the Council accepts that in so far as the appeal proposal is required to provide greater capacity and flexibility in the energy generation network the proposed generators could be described as 'associated infrastructure' that would support the move towards low carbon energy supplied increasingly by renewable energy developments. It seems to me therefore that on balance it is not unreasonable to conclude that the proposed development would constitute development required for the exploitation of sources of renewable energy.

In an appeal decision for the installation of an agricultural barn to house flexible generation and energy storage plant which included gas fired generators in Tiverton (ref APP/Y1138/W/17/3184617) whether or not the proposal would support the transition to a low carbon future was specifically considered by the Inspector who concluded the following:

'In isolation, the proposal could not be described as a renewable energy source....Nevertheless I am persuaded on the basis of the available evidence that the proposal would provide a source, albeit of relatively modest scale, of electrical energy which could assist in the event of interruptions in the supply of renewable energy and which result in a reduction in CO2 emissions when compared with conventional sources of back up supply.

Consequently as the proposal would support the delivery of renewable and low carbon energy, it could reasonably be regarded as the type of 'associated infrastructure' meant by paragraph 93 of the Framework. Therefore as the proposal would help increase the use and supply of renewable energy it would be consistent with the first part of paragraph 97 of the Framework and it would support the transition to a low carbon future, consistent with one of the core principles at paragraph 17.

Whilst each application must be assessed on its own merits, there are some similarities between the manner in which the appeals were considered and this proposal. In these appeals it is clear that the Inspector's afforded some weight to the proposals as infrastructure which would support the delivery of renewable and low carbon energy and support the transition to a low carbon future despite the fact that the technology is run on a fossil fuel.

The need for new energy infrastructure to support the UK's shift towards low carbon energy is set out in the National Policy Statement for Energy Infrastructure. Under the direction of the Energy Act 2013, this proposal is considered to contribute to the government's key objective to secure energy on the way to a sustainable low carbon future. Furthermore the National Policy Statement for Fossil Fuel based energy generation recognises that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating is low and to help with the transition to low carbon electricity generation.

Officers consider that weight should be given to the national benefits to be derived from this particular proposal, the supportive approach towards fossil fuel energy development within National Policy Statement EN-2 and its contribution towards maintaining a stable electricity supply.

It is also material to the consideration of the proposal that site selection is constrained by the need to secure a site that can connect to the national grid at a point where there is capacity, where the National Grid would allow connection, where there is also connection to local gas lines, and where there is limited visual impact. These selection criteria limit the availability of site across the district, particularly the limited availability of connections to the national grid.

Notwithstanding the policy context of the proposal, the suitability of the site must also be assessed against the proposed use and the benefits of the proposal need to be carefully balanced against the impacts on the rural landscape and character and appearance of the area, the residential amenities of the occupiers of surrounding properties from noise and the impact on the setting of heritage assets.

Noise

It is proposed to construct and install acoustic barriers around the site. These would serve to reduce the spread of noise from the site when it is operational. On the basis of these, the Acoustic Assessment submitted with the application concludes that, during day-time and evening-time operation of the proposed facility, there would be a "low likelihood of any adverse impacts".

It is appreciated that local residents do not agree with the Acoustic Assessment and are concerned about the impact from noise on their amenity and the amenity of the surrounding countryside.

In order to check the submitted noise report, the Council's Environmental Health Department were consulted on the plans and report and have assessed the submitted information in detail and in knowledge of the concerns raised by third parties. Their consultation reply confirm that they concur with the conclusions of the Acoustic Assessment and do not consider that noise from the proposal will harm the amenity of nearby residents, or the local environment. As such they do not object to the proposal subject to a condition to be imposed in the event that this application is approved.

Policy EN14 (Control of Pollution) of the East Devon Local Plan (EDLP) states that development cannot be approved if a development would result in harmful noise to residents or the wider environment. Clearly, on the basis of the information available, it is considered that the proposal would not result in harm from noise or vibration. It is also material to note that the plant will only be operational when there is an electricity generation shortage, and as such this is likely to be limited in occurrence and likely to be limited to early evening periods only.

The concerns regarding noise which have been raised by local residents are noted. However, given the comments above, it is considered that it would be unreasonable for the Council to refuse planning permission on the grounds of harm caused by noise.

Visual impact

The site is located in the open countryside and, although there is some development on, or close, to the site, it is largely surrounded by open fields. There are trees and hedges on the field boundaries, which provide a degree of screening of the site. As

does the fact that the site is located in a shallow valley; with the rising land around the site to the north, east and south providing some screening. There are a number of small electricity poles running through the area and the entrance is characterised by a small rendered building, sub-station and palisade fencing.

It is proposed, as part of the development, to construct a bund and plant landscaping; this would serve the purpose of mitigating against noise from the site as well as the visual impact. The proposal has been supported by a Landscape Visual Impact Assessment (LVIA), which has been assessed by the Council's Landscape Architect.

The Landscape Architect had some concerns about the initial information supplied with regard to the visual impact of the proposal and assessed viewpoints. Consequently, additional and updated information was supplied, which included details of enhancements to the proposed landscaping and further viewpoints. On the basis of this, the Landscape Architect has not objected to the proposal, and has stated that the proposed scheme would have a "limited visual impact, even in its first year, which will reduce as the proposed tree and hedgerow planting matures".

In light of the above and the full landscape Officer comments, it is considered that the proposal would not result in visual harm to the countryside despite concerns from some local residents. However, to ensure that this remains the case, the Landscape Architect has recommended a number of conditions, which it is considered reasonable to impose should this application be approved.

Therefore, the proposal is considered acceptable with regard to its visual impact, in compliance with Policies D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the EDLP.

Flood risk

The application site lies in flood zone one, and is therefore considered to be at low risk of flooding, although there is a minor water course close to the site. The submitted Flood Risk Assessment (FRA) notes that the risk of flooding on site is low, with the greatest risk being from surface water. However, the FRA states that the highest depth of this would be 300mm, which is considered to be a very low risk, and a lower level than the height of any of the proposed equipment.

In addition to the above, the Devon County Council Flood Risk Management Team has assessed the application and hasn't raised any objections. It is, therefore, considered that the proposal is acceptable from a flood risk perspective.

Ecological impacts

With regard to the potential ecological impact of the proposal, the Ecological Impact Assessment submitted with the application, indicates that the proposal is unlikely to have any detrimental impact on protected species, such as bats. This is partly on the basis of the likely most frequent times of operation, and also as a result of the landscaping proposed as part of the development. With that in mind, the Ecological Impact Assessment states that "no specific impacts are envisaged as a result of the development proposals", and that the proposal would result in a "net gain for

biodiversity". The assessment then continues to recommend some mitigation measures, and it is considered reasonable to impose a condition to ensure that these are instigated in the event that the application is approved. With such a condition in place, it is considered that the proposal would comply with the provisions of Policy EN5 (Wildlife Habitats and Features) of the EDLP and, therefore, is acceptable in this regard.

Highway impacts

It is proposed to utilise the existing entrance to the site. This has good visibility in both directions, and the proposed layout of the site is such that it would be possible for vehicles to enter and leave the site in a forward gear. The County Highway Authority (CHA) has confirmed that it concurs with this view, and has not objected to the proposal. However, the CHA has also recommended that, should this application be approved, a comprehensive Construction and Environment Management Plan (CEMP) would be required to ensure that a satisfactory delivery route is agreed. This is considered to be reasonable, and such a condition will be imposed if this application is approved.

Given the above, it is considered that this application is acceptable with regard to the impact on highway safety.

Air pollution

The Air Quality Assessment submitted with the application concludes that no residential properties are sufficiently close to the site for any harm from air pollution to arise, with only the nearest commercial receptors experiencing more than a "slight to negligible" impact. On this basis, and as the Council's Environmental Health Department has not raised any concerns regarding this, it is considered that the development is acceptable in this regard, subject to a condition requiring the development to be undertaken in accordance with the Mitigation section in the Air Quality Assessment.

Third party concerns

There have been a number of concerns raised by third parties during the determination of this application. Many of the concerns raised by them are considered above, and the appropriate bodies have been consulted with regard to the concerns. However, the following additional observations are made with regard to third party concerns regarding:

- Noise impact in the area and to surrounding residents.

The Council's Environmental Health Department has considered proposal and has advised that the noise mitigation proposed is adequate. Whilst it is noted that some residents feel that the submitted noise information does not adequately reference their property (either domestic or equine land), given the lack of objection from the Environmental Health Department, it is considered that it would be unreasonable for the Local Planning Authority to make a sustainable objection to the proposal on the grounds of noise impact.

- The proposal is not renewable or low-carbon energy so should not be supported.

It is not disputed that the proposed development would not use a renewable fuel. However, as detailed above, the proposal is considered to contribute to renewable energy, by virtue of providing a back-up power source in the event of an energy shortage, which may be partly caused as a result of the closure of power stations which burn fossil fuels, as well as some forms of renewable energy being intermittent. This, and the reasons why the proposal is considered acceptable in principle, is/are discussed in greater detail earlier in this report

- Inappropriate site/visual impact.

The site has been chosen due to its proximity to a connection to the grid; via the existing substation adjacent to the site. It is understood that other possible connection points are at capacity. Therefore, the proposed site is considered to be necessary, due to the near-by connection. The site is located in a valley, which provides natural screening, and further screening is proposed as part of the development. This has been assessed by the Council's Landscape Architect, and is demonstrated in the submitted Landscape Visual Impact Assessment (LVIA). As described earlier in the report, the LVIA and the comments from the Landscape Architect, indicate that the development would have a very limited visual impact. It is, therefore, considered to be acceptable in this regard.

- Flooding/drainage.

The site is in an area considered to be at a low risk of flooding, and submitted FRA indicates that there is a low risk of the development resulting in flooding. Furthermore, the Devon County Council Flood Risk Management Team has assessed the application and hasn't raised any objections. Therefore, it is considered that it would be unreasonable for the Local Planning Authority to make a sustainable objection to the proposal on the grounds of flooding impact.

- Air pollution.

This matter is discussed in detail earlier in this report. No objections regarding air pollution have been raised by the Council's Environmental Health Department. Therefore, it is considered that it would be unreasonable for the Local Planning Authority to make a sustainable objection to the proposal on the grounds of air pollution.

- Wildlife impact.

This matter is discussed in detail earlier in this report. The application was supported by an Ecological Report and, given the conclusions of that, it is considered that it would be unreasonable for the Local Planning Authority to make a sustainable objection to the proposal on the grounds of ecological impact.

- No consultation with Woodbury residents.

The Council undertook all the relevant consultation once the application was valid. This included sending letters to the occupiers of properties close to the site, erecting a site notice and placing an advertisement in a relevant local newspaper.

Some of the third party representations make reference concerns that the developers/applicants did not consult with local residents prior to submitting the application. This matter is not within the control of the Council, and there is no requirement, in planning terms, for an applicant to consult with anyone prior to submitting an application.

CONCLUSION

The proposal is for a gas fired standby generator scheme and associated infrastructure. The proposed location for the development is in the open-countryside.

The proposal is considered to be a departure from the East Devon Local Plan as it relies on a non-renewable energy source to provide energy to the National Grid and does not therefore meet the definition of a renewable or low-carbon energy project under Strategy 39. Whilst this the case, there is clear support within the government's National Policy Statement's for Energy which recognises that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating is low and to help with the transition to low carbon electricity generation. The proposal would support the delivery of renewable and low carbon energy, and could therefore reasonably be regarded as the type of 'supporting infrastructure' meant by paragraph 151 b) of the NPPF; a position that has been recognised by Inspectors in a number of aforementioned appeal decisions.

The location of the site provides a good level of screening and subject to conditions it is not considered that the landscape harm would be enough to warrant refusal of the application given the context of the site.

The Council's EHO is satisfied that noise impacts from this proposal would not adversely affect residential amenity subject to conditions.

On balance, whilst representing a departure from Strategy 39, it is considered that the adverse impacts from the proposed gas fuelled standby electricity plant do not significantly or demonstrably outweigh the benefits that would be derived from the scheme which would support the delivery of renewable and low carbon energy by providing back-up generation to help achieve the transition to a sustainable, low carbon future. Accordingly it is recommended that permission be granted subject to the conditions set out. Strategy 39 requires a condition that all equipment be removed from the site and the land restored to its former condition if the project ceases in the future. Although the harm to visual and landscape interests identified above is considered to be limited, it is considered appropriate to use such a condition to remedy that harm when there is no longer a requirement for the installation.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Any plant, equipment or ducting system to be used in pursuance of this permission shall be so installed, retained and operated that the rating level at the boundary of any nearby residence shall not exceed the prevailing background noise level measured at the time of the assessment. All assessments to be in accordance with BS4142:2014 Method for Rating and Assessing Industrial and Commercial Sound.
(Reason - To protect the amenity of residents from unacceptable noise in accordance with Policy EN14 (Control of Pollution of the East Devon Local Plan 2013 - 2031).
4. The acoustic barrier detailed in drawing number 001 Rev C, received by the Local Planning Authority on 3rd July 2019, shall be fully installed prior to the development hereby approved being brought into use.
(Reason - To protect the amenity of residents from unacceptable noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).
5. The landscaping shown on drawing number 541/01 Rev C, received by the Local Planning Authority on 3rd July 2019, shall be carried out prior to site commissioning or in the first planting season immediately following. Planting shall be maintained in accordance with a 25 year hedgerow and copse management plan, which shall be approved in writing by the Local Planning Authority prior to planting commencing. Any grass or planting that dies or fails to make satisfactory growth within the first five years following completion shall be replaced with plants of the same species, size and form to the satisfaction of the LPA. Works shall be carried out in accordance with the agreed details.
(Reason - To ensure that the site is sufficiently screened in accordance with Strategy 7 (Development in the Countryside) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).
6. Details of the external colour of all buildings to be constructed on site shall be provided to, and agreed in writing by, the Local Planning Authority prior to their installation. Development shall be carried out in accordance with the agreed details.
(Reason - To ensure that the colour of the structures is suitable for the rural location, in accordance with Strategy 7 (Development in the Countryside) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).

7. The works shall be carried out in accordance with an approved soil resources plan which should include:

- Plan showing topsoil and subsoil types, and the areas to be stripped and left in-situ.
- Methods for stripping, stockpiling, re-spreading and ameliorating the soils.
- Location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B).
- Schedules of volumes for each material.
- Expected after-use for each soil whether topsoil to be used on site, used or sold off site, or subsoil to be retained for landscape areas, used as structural fill or for topsoil manufacture.
- Identification of person responsible for supervising soil management.

These details shall be provided to, and approved in writing by, the Local Planning Authority prior to the removal of any soil from the site, or prior to additional soil being brought onto the site, whichever is the sooner. Works shall be carried out in accordance with the agreed details.

(Reason - To ensure that soils used on the site are suitable in accordance with Strategy 7 (Development in the Countryside) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).

8. Prior to their installation, details of proposed surfacing, fences, acoustic barrier, lighting, drainage and earthworks should be provided to, and agreed in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details. Surfacing should comprise well compacted permeable bound gravel conforming to Specification for Highway Works cl. 803, Type 1.

(Reason - To ensure that these elements of the development are suitable for the rural location, in accordance with Strategy 7 (Development in the Countryside) and Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031).

9. A tree and hedgerow survey, impact assessment and protection plan, conforming with BS5837: 2012, shall be provided to, and agreed in writing by, the Local Planning Authority. The arboricultural impact assessment shall include consideration of the impact of large plant entering and exiting the site and proposed mitigation and protection should be planned accordingly. Agreed protective measures shall be implemented prior to any works, other than the removal of the existing enclosure on site, commencing in accordance with the details provided and be maintained in sound condition for the duration of the works.

(Reason - To ensure that existing hedges and trees are not damaged during the works hereby approved, in accordance with Strategy 7 (Development in the Countryside) and Policies D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013 - 2031).

10. Prior to commencement of any part of the site the Planning Authority shall have received and approved in writing a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work.

Development shall be carried out in accordance with the agreed details.

(Reason - To ensure that the development is not detrimental to highway safety, or the amenity of road users or local residents, in accordance with Strategy 7 (Development in the Countryside) and Policies D1 (Design and Local Distinctiveness) and TC7 (Adequacy of Road Network and site Access) of the East Devon Local Plan 2013 - 2031).

11. The development hereby approved shall be undertaken in accordance with the Ecological Impact Assessment, produced by Green Ecology, reference number 0693-EclA-KW, received by the Local Planning Authority on 20th March 2019.
(Reason - To ensure that the development does not harm wildlife and biodiversity, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).
12. The development hereby approved shall be undertaken in accordance with the Air Quality Assessment, produced by RODEng Consulting LLP, received by the Local Planning Authority on 20th March 2019.

(Reason - To ensure that the development does not harm wildlife and biodiversity, in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031).

13. The planning permission hereby granted is for a period of 25 years from the date of commencement of the development hereby permitted after which time it shall be removed in its entirety and the site returned to its former condition. Written notification of the date of commencement of development shall be given to the Local Planning Authority no later than 14 days after the event, and all generators, ancillary equipment, fences and other related infrastructure shall be removed in accordance with a Decommissioning Method Statement, which shall include a timetable for the work, that shall have been submitted to and approved in writing by the Local Planning Authority not less than 12 months before the expiry of the 25 year period of planning permission.

(Reason: To ensure the achievement of satisfactory site restoration in accordance with Strategies 7 (Development in the Countryside) and 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013 - 2031).

14. The development hereby approved shall only be operated between the hours of 0700 and 2230.

(Reason - To define the operational parameters of the development, and to ensure that it is not used during the quietest parts of the day, in accordance to Policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013 - 2031)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

001 rev G (amended)	Proposed Combined Plans	03.07.19
541/01 rev C (amended)	Landscaping	03.07.19
003 rev F (amended)	Sections	03.07.19
541/02 rev B (amended)	General Correspondence	03.07.19
Green 0693- EclA-KW	Ecological Assessment	20.03.19

Air Quality Assessment	General Correspondence	20.03.19
Woodbury (PPG07) V2	Noise Impact Assessment	20.03.19
EML2017/1195-3 Balby Carr	Proposed Combined Plans	20.03.19
005 rev C	Location Plan	05.04.19
33324 GA	Proposed Combined Plans	09.04.19
GA-003	Other Plans	09.04.19
TR18018-20V4000L64-04	Proposed Combined Plans	09.04.19
EML2017/1195-3 BC	Proposed Combined Plans	09.04.19

List of Background Papers

Application file, consultations and policy documents referred to in the report.